

# CITY COUNCIL RFPNRT



Meeting Date

March 19, 2019

General Plan Element

Public Services and Facilities

General Plan Goal

Encourage provision of power and communication systems that match the character of Scottsdale and provide reliable, efficient service for Scottsdale citizens,

visitors and businesses

# **ACTION**

Sprint Mummy PH25XC142 32-UP-2003#3

# Request to consider the following:

1. Find that the Conditional Use Permit criteria have been met and adopt Resolution No 11397 to renew a Conditional Use Permit for an existing Type 4 Wireless Communication Facility colocated inside two flagpoles located at 7609 E. Indian Bend Road with Multiple-family residential (R-5) zoning

# Goal/Purpose of Request

The applicant's request is to renew the Conditional Use Permit for an existing Type 4 wireless communication facility, which is concealed within two flagpoles on the northern portion of the Paradise View Villas condominium property

# **Key Items for Consideration**

- No expansion of enlargement to the existing wireless communication facility is being proposed
- The Paradise View Villas Association has a lease with Sprint and has authorized this application for Conditional Use Permit renewal
- Complies with the Conditional Use Permit criteria
- Staff has received two call from residents confirming that this request is not a new WCF
- Planning Commission heard this case on February 13, 2019 and recommended approval with a 5-0 vote

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Paradise View Villas Condo Owners Association 480-345-0046

Action Taken		

# APPLICANT CONTACT

Steve Ciolek Coal Creek Consulting, LLC 480-246-4131

# LOCATION

7609 E Indian Bend Rd



# 7000 E Maidir Bolla it

# **BACKGROUND**

# Zoning

The site is zoned Multiple-family Residential district, R-5, which allows for multiple family dwelling units, municipal uses, places of worship, hotels and wireless communication facilities. Wireless communication facilities concealed within flagpoles require a Conditional Use Permit.

#### Context

The subject property/WCF is concealed within two existing flagpoles located approximately 910-feet south of Indian Bend Road, off a private street at the entrance to the Paradise View Villas condominiums

# **Adjacent Uses and Zoning**

North Corriente Condominiums zoned R-5

South Paradise View Villas Condominiums zoned R-5

• East Silverado Golf Course zoned O-S

West Sienna Condominiums zoned R-5

# Other Related Policies, References:

**Zoning Ordinance** 

12-ZN-1986#2 On November 16, 1999, the city council approved the rezoning of the subject property from R-4R to R-5 and amended the site plan from case 12-ZN-1986

24-DR-2000 On March 23, 2000, the Development Review Board approved the 64-unit Paradise View Villas Condominium development

32-UP-2003 On February 17, 2004, the City Council unanimously approved a Conditional Use Permit for the subject Sprint wireless communication facility (WCF) In November of 2004, permits were issued to construct the WCF

32-UP-2003#2 On April 8, 2014, the City Council unanimously approved another Conditional Use Permit for the Spring flagpole WCF's (original Conditional Use Permit expired in 2009, but Sprint failed to renew it)

### APPLICANTS PROPOSAL

# Development Information

The applicant's request is to renew the Conditional Use Permit for an existing Type 4 wireless communication facility, which is concealed within two flagpoles on the northern portion of the Paradise View Villas condominium property. The Conditional Use Permit was initially approved by the City Council on February 17, 2004 with case 32-UP-2003 and re-approved on April 8, 2014 Conditional Use Permits for WCF's (Type 4 WCF's) are valid for a period of five (5) years from the date of City Council approval and set to expire on April 8, 2019 if Conditional Use Permit is not approved

• Existing Use Residential condominium development with 2 flagpole WCF's

Proposed Use
 No change

• Lease Area 336 s f

WCF Height 45-feet and 47-feet

# **IMPACT ANALYSIS**

# **Conditional Use Permit**

Conditional Use Permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and City Council has found as follows

- A That the granting of such Conditional Use Permit will not be materially detrimental to the public health, safety or welfare in reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors
  - 1 Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination
    - Besides some minor noise from the air conditioning that cools the radio equipment cabinets, and lighting to illuminate the flags, this WCF does not create damage or nuisance from noise, smoke, odor, dust or vibration or illumination
  - 2 Impact on surrounding areas resulting from an unusual volume or character of traffic
    - Other than the occasional visit from maintenance technicians, the WCF does not create an unusual volume of traffic.
- B The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas
  - The characteristics and design of the proposed use are reasonably compatible with the area. Flagpoles exist near the entrance to the Sienna Condominiums to the west and at the Silverado Golf course to the east

- C The additional conditions specified in Section 1 403, as applicable, have been satisfied The proposal meets the provisions for Wireless Communication Facility (WCF) Type 4 as identified in Zoning Ordinance Section 1 403 V, including
  - All use permits shall be granted for a maximum of five (5) years from the date of City Council approval. The applicant shall be responsible for initiating a review of the approved wireless communication facility and shall demonstrate that changes in technology, that are economically feasible, have not eliminated the need for the Conditional Use Permit.
    - There have been no changes in technology that would eliminate the need for this Conditional Use Permit. In fact, within the past several years there has been an increase in the amount of wireless communication facilities to handle the coverage, capacity and bandwidth needs of the wireless carriers and customers. The nearest existing Sprint wireless communication facilities is on the former Borgata property (west side of Scottsdale Road, north of McDonald Drive) and at the Days Inn hotel at 7330 N. Pima Road. Elimination of this WCF would create a significant coverage gap for Sprint along the Indian Bend and Hayden Road corridors, as well as for the southern portion of McCormick Ranch.
  - 2 To the degree a proposed WCF meets height requirements set forth in this Ordinance, no Conditional Use Permits shall be granted when the heights are found to be intrusive, obtrusive or out of character with the surrounding area
    - The heights of the existing WCF flagpoles are 45 feet and 47 feet. The height of the
      adjacent condominium buildings is 36 feet (with higher rooftop mechanical
      screening), so the flagpoles are not substantially taller than building in the
      surrounding area, but tall enough where the wireless signal is not blocked. The
      Zoning Ordinance does not have any specific maximum height requirements for
      flagpoles, or WCF flagpoles.
  - 3 Antennas and pole diameters shall be harmonious with the existing context and not be intrusive or obtrusive on the landscape and view
    - Antennas and associated cables are completely concealed from view within the flagpole, and the flagpole is painted to match the adjacent gate color. The pole diameters of 14 inches and 12 inches are consistent with other flagpole WCF's in Scottsdale (Days Inn hotel -7330 N Pima Road & the southeast corner of Shea Boulevard and 100<sup>th</sup> Street). The flagpole WCF diameters tend to be narrower than the monopole WCFs and artificial palm tree WCFs.
  - 4 The shape of the WCF shall blend with other similar objects and not be intrusive in its setting or obtrusive to views

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- There are other existing flagpoles in the vicinity, as well as palm trees which are taller than the flagpoles. The flagpoles are narrow enough in diameter that they are not considered obtrusive to views.
- 5 The WCF shall blend into its setting and, to the extent that it is visible, not be intrusive on the landscape and or obtrusive on views
  - As previously mentioned, all antennas and associated cables are completely
    concealed from view within the flagpole. The flagpoles are painted to match the
    adjacent gate color, and are placed within a landscaped setting, which helps them
    blend into the surrounding environment, and are not excessively tall

# **Transportation**

Besides periodic maintenance, the WCF will have no impact on traffic

# Water/Sewer

The WCF will have no impact on water or sewer service

# **Public Safety**

With many households removing their land line telephone, the WCF will help continue to provide cellular coverage to the public for personal use as well as in need of emergency

# **Community Involvement**

The applicant mailed out notifications regarding the Conditional Use Permit renewal to property owners within 750 feet of the WCF on December 12, 2018

City staff mailed out postcards to property owners within 750 feet of the WCF (over 500 property owners) on December 27, 2018

As of the drafting of this report, staff received two calls requesting general information about the purpose of the request

# OTHER BOARDS & COMMISSIONS

# Planning Commission

Planning Commission heard this case on February 13, 2019 and recommended approval with a 5-0 vote

# Staff's Recommendation to Planning Commission:

Staff recommended that the Planning Commission find that the Conditional Use Permit criteria have been met and make a recommendation to City Council for approval per the attached stipulations

City Council Report   Sprint Mummy PH25XC142	
RECOMMENDATION	
Recommended Approach: Find that the Conditional Use Permit criteria have been met and renew a Conditional Use Permit for an existing Type 4 Wireless Conside two flagpoles located at 7609 E. Indian Bend Road with Miczoning	ommunication Facility co-located
RESPONSIBLE DEPARTMENT	
Planning and Development Services Current Planning Services	
STAFF CONTACT	
Keith Niederer Senior Planner 480-312-2953 E-mail kniederer@ScottsdaleAZ gov	
APPROVED BY	
Keith Niederer, Report Author	2-21-2019 Date
Tim Curtis/AICP, Current Planning Director 480-312-4210, tcurtis@scottsdaleaz goy	3/3/2019 Date
Rapidy Grant, Director Planning and Development Services 480-312-2664, grant@scottsdaleaz gov	3/4/19 Date

# **ATTACHMENTS**

- 1 Context Aerial
- 2 Resolution No 11397

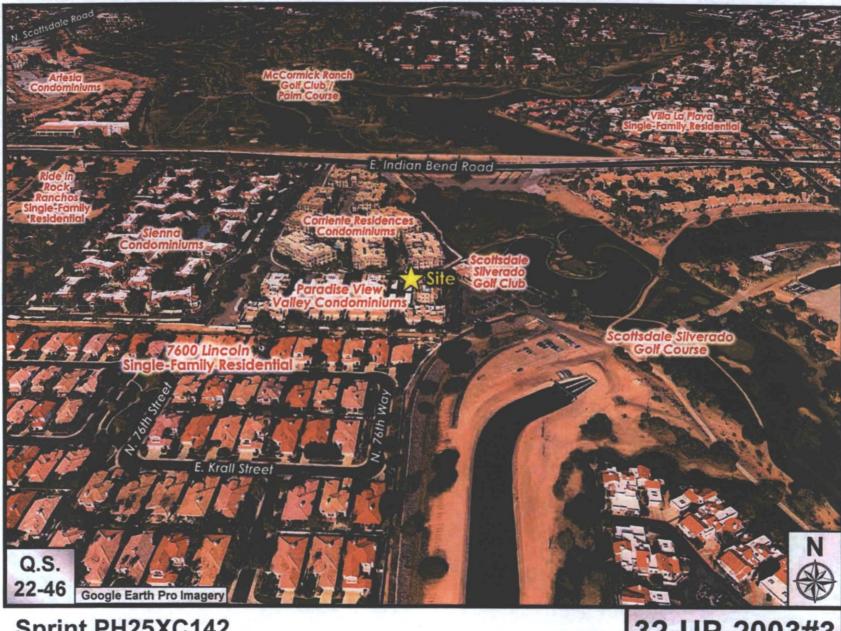
Exhibit 1 Context Aerial Close-Up

**Exhibit 2 Stipulations** 

Exhibit A to Exhibit 2 Plans

**Exhibit 3 Additional Conditions** 

- 3 Existing Photographs
- 4 Applicant's Narrative
- 5 Zoning Map
- 6 Citizen Involvement
- 7 City Notification Map
- 8 February 13, 2019 Planning Commission Minutes
- 9 February 13, 2019 Planning Commission Public Comment



Sprint PH25XC142

32-UP-2003#3

#### **RESOLUTION NO 11397**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, RENEWING A CONDITIONAL USE PERMIT FOR AN EXISTING TYPE 4 WIRELESS COMMUNICATION FACILITY (WCF) CO-LOCATED INSIDE TWO FLAGPOLES LOCATED AT 7609 E INDIAN BEND ROAD WITH MULTIPLE-FAMILY RESIDENTIAL (R-5) ZONING

WHEREAS, the Planning Commission held a public hearing on February 13, 2019, and

WHEREAS, the City Council, held a public hearing on March 19, 2019

NOW, THEREFORE, LET IT BE RESOLVED, by the City Council of the City of Scottsdale, Maricopa County, Arizona, as follows

# Section 1 That the City Council finds

- a) that the granting of this conditional use permit per stipulations set forth on Exhibit 2 will not be materially detrimental to the public health, safety or welfare based on, but not limited to, the following factors damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination and impact on surrounding areas resulting from an unusual volume or character of traffic.
- b) that the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas and that this Wireless Communication Facility (WCF) meets the additional following criteria for a WCF
  - 1 The use permit is granted for a maximum of 5 years and the Applicant is required to initiate any required further review as specifically set forth in the Zoning Ordinance and is responsible for removing the WCF once the use permit has ended or expired
  - 2 The height of the WCF is found not to be intrusive, obtrusive or out of character with the surrounding area
  - 3 The antennas and pole diameters of the WCF are found to be harmonious with the existing context and not intrusive or obtrusive on the landscape or views
  - 4 The shape of the WCF is found to blend into its setting and, to the extent that it is visible, is not intrusive in its setting or obtrusive to views
  - 5 The WCF is found to blend into its setting and, to the extent that it is visible, is not intrusive on the landscape or obtrusive on views

Section 2 That a description of the conditional use permit is set forth in Case No 32-UP-2003#3 The property that is subject to the conditional use permit is shown on Exhibit 1 and the conditional use permit approval is conditioned upon compliance with all of the stipulations that are set forth in Exhibit 2 and Exhibit 3. All exhibits are incorporated herein by reference

Arizona thisday of,	uncil of the City of Scottsdale, Maricopa Count 2019
ATTEST	CITY OF SCOTTSDALE, an Arizona municipal corporation
By Carolyn Jagger City Clerk	By W J "Jim" Lane Mayor
APPROVED AS TO FORM OFFICE OF THE CITY ATTORNEY  By Bruce Washburn, City Attorney By Dee Padilla, Deputy City Attorney	



Sprint PH25XC142

Resolution No. 11397 Exhibit 1 Page 1 of 1 32-UP-2003#3

# Stipulations for the Conditional Use Permit For a Type 4 Wireless Communication Facility Sprint Mummy PH25XC142

Case Number: 32-UP-2003#3

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale

# **GOVERNANCE**

1 APPLICABILITY All stipulations of this case, 32-UP-2003 continue to apply

#### SITE DESIGN

- 2 Flags shall be lit at night and be kept in good condition. If the flags become tattered or faded, they shall be replaced as soon as possible
- 3 EXPIRATION OF USE PERMIT AFTER FIVE (5) YEARS If the applicant wishes to continue this use, within one hundred twenty (120) days before the expiration of this Conditional Use Permit renewal, the applicant shall file an application to review and extend this Conditional Use Permit. This review shall demonstrate that changes in technology, that are economically feasible, have not eliminated the need for this Conditional Use Permit. If a new Conditional Use Permit is not granted, the applicant shall be responsible for the removal of the wireless communication facility.

Exhibit A to Attachment 2

# Sprint

# B2 PH25XC142 MUMMY

7609 E. INDIAN BEND RD. SCOTTSDALE, ARIZONA 85251 LATITUDE: 33.535688 LONGITUDE: -111.915881 PHOENIX MARKET

NOTE: PRIOR TO ANY CONSTRUCTION, SCHEDULE A PRE-CONSTRUCTION MEETING WITH INSPECTION SERVICES BY CALLING (480) 312-5750

# SITE LOCATION Parking II Selling Seet

#### VICINITY MAP

APPROVAL	SIGNATURE		DATE
UTT ACQUISITION & ZONING			
CONSTRUCTION :			
AME WALKER		18	
PLANNING CONSULTANT			
RF MANAGER			
PROPERTY CHINER			
SPRINT HEPHESENTATUE			

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CLUMENT EDITIONS OF THE FOLLOWING CODES ACCOPTED BY THE LOCAL COVERNMEN AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUCTED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

THE FACULTY IS UNMANNED AND NOT FOR HUMAN HABITATION, HANDICAPPED ACCESS REQUIREMENTS ARE NOT REQUIRED IN ACCORDANCE WITH THE CLIRENT INTERNATIONAL BUILDING COOT.

2015 INTERNATIONAL BUILDING CODE 2015 INTERNATIONAL MECHANICAL CODE 2014 NATIONAL ELECTRICAL CODE

ACCESSIBILITY REQUIREMENTS:

CODE BLOCK

TROU THE SPRINT STREE IN PHODRIE, AZ TARE TARUM BLVG. S. TO SHEA BLVD. AND TANE A LEFT TO SCOTTSDALE BD. AND TARE A ROUTE TO ACRONS BLVD. AND TANE A LEFT TO SCOTTSDALE BD-OF DECIME THE GREEN BLUT AND TARE A ROUTE AND FOLLOW FORD AS IT CLAMES AND THE STE. WILL IN CO. HE FRONT SIZE OF THE ROUS.

**DRIVING DIRECTIONS** 

SPRINT PROPOSES TO.

REMONE (3) EVERTHAL THA'S

REMONE ALL DUSTING COAK

REMONE (1) EUSTING ANTENNA CONSTER

AGO (3) 2" METAL CONQUIT FROM 1927 CARNIET TO DISTRIBUTION BOX

AGO (3) BIPLETS TO DESTING BLOCK WALL

AGO (3) BIPLETS BELOW BRIC'S

AGO (1) MIRES OF 1/7" COAK CARLES UP TO ANTENNA CANISTER

AGO (1) MIRES OF MIRES

PART ALL MEW TOWER MOUNTED EQUIPMENT TO MATCH EXISTING

#### PROJECT DESCRIPTION

APPLICANT: COAL CREEK CONSLITING 2188 E. UMMERSITY OR, STE 201 TEMPE, AREZONA RESEN CONTACT STEW COLEX

PROPERTY OWNER INFORMATION: PHIC SERVICES CONTROL SARAH DOUGLAS PHONE (480) 825-7400

APN: 174-20-077
ZOANG CLASSPICATION: R-5
JURSDICTION CITY OF SCOTTSBALE
EXISTING/NEW USE: UNMANNED WIRELESS TELECOMMUNICATIONS FACULTY

PROJECT SUMMARY

SHEET	DESCRIPTION
7-1	TITLE SHEET, WONETY WAP AND GENERAL INFORMATION
5P-1	SPRINT SPECIFICATIONS
5P-2	SPEINT SPECIFICATIONS, ENGINEERS AND LITELTY NOTES
CML PI	ANS.
E=1	SITE PLAN
C-3	ENSTING ENLARGED SITE PLAN
C-3	NEW ENLARGED SITE PLAN
C-0	SIDIATORS
2-3	DETAILS
D-6	DETAILS

### SHEET INDEX

# CUENT:

STREAM STATUM BLVD., SPE P135 PHOENIX, ARCOMA BSOZE CONTACT: BILL KONING PHONE: (480) 200-0845.

SITE ACQ. CONSULTANT: COM. CRETE CONGALTING 2156 E. LINVERSITY DR., STE 201 10MFE, ARCDINA 85261 CONTACT CAMERON LEMANN PHONE. (714) 943-6261

COAL CHEEK COASILING 2148 E IMMURSITY OR, STE 201 TOWN, ANDON 85281 COMPACT SWIMM ELWAS PHONE. (602) 758-5629

CIVIL ENGINEER: TERRA DYNAMIC (NOMESPRIS, ILE P.O. BOX 22131 PHOENEY, ARZONA 85028 CONTACT: ROBERT OPLANDO



**PROJECT TEAM** 



COAL CREEK CONSULTING

2166 E. UNIMERSITY DM., STE 201 TEMPE, ARIZONA 85281 PHENE: (802) 429-0533 FAX: (480) 658-2852





PHONE: (602) 482-1603 EMAL: ROBERT@TERRADYNAMIC.US

1	08/23/18	DESCRIPTION— REVIEW	SP
2	09/21/18	REVISION 1	SP
3	09/24/18	REVISION 2	SP
4	11/14/18	SUBMITTAL	SP

PH25XC142 MUMMY

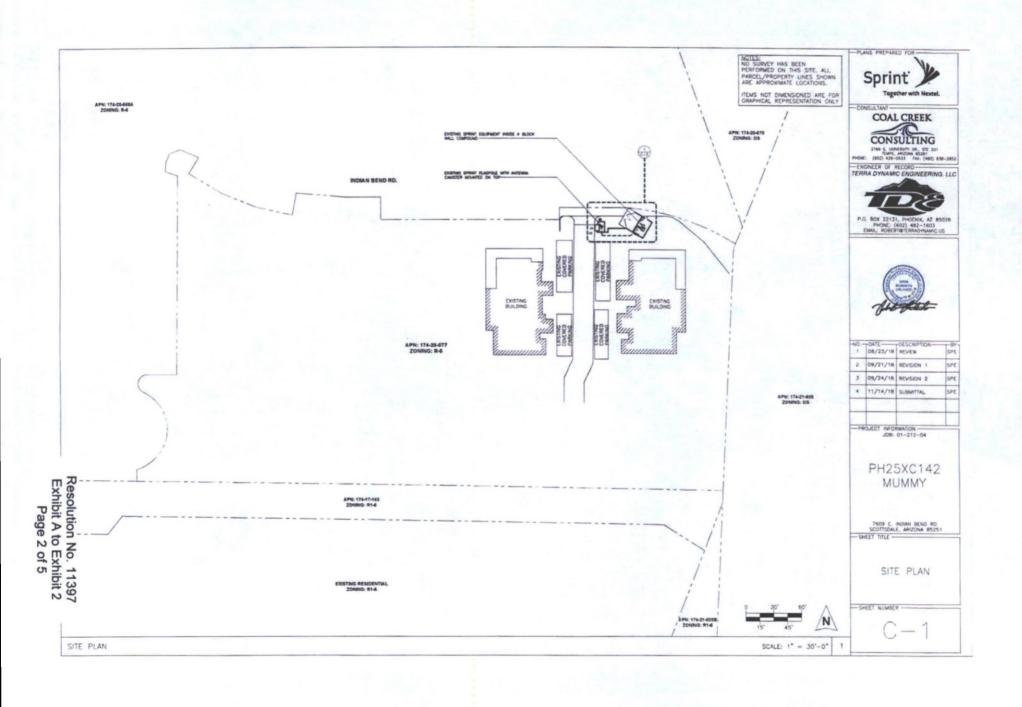
JOB: 01-212-04

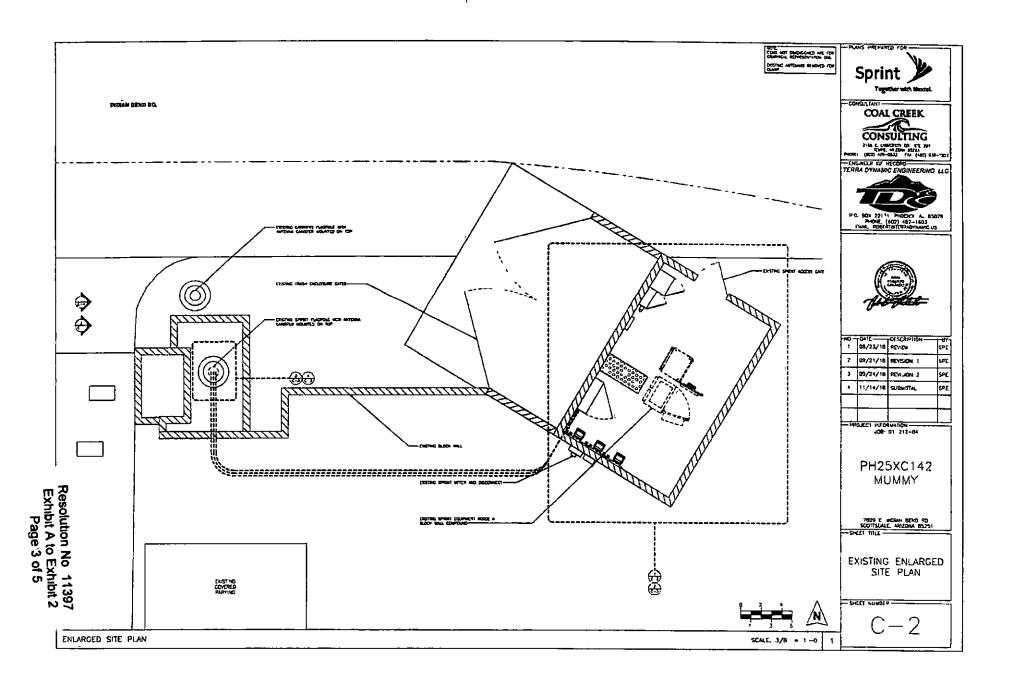
7509 E. INDIAN BEND RD. SCOTTSDALE, ARIZONA 85251 —SHEET TITLE—

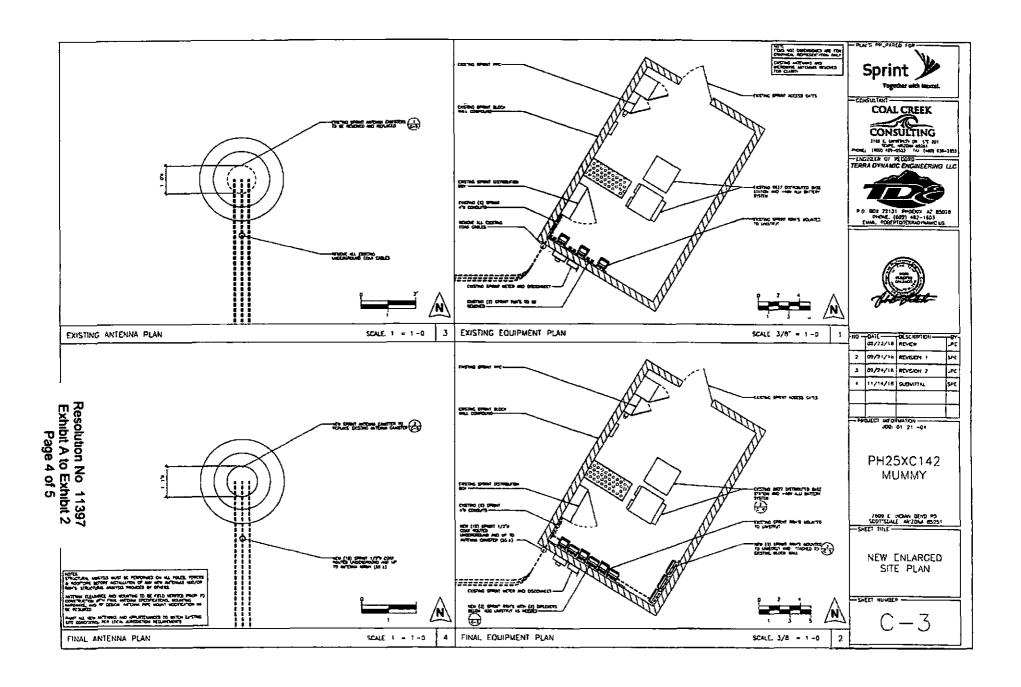
TITLE SHEET. VICINITY MAP & GENERAL INFO.

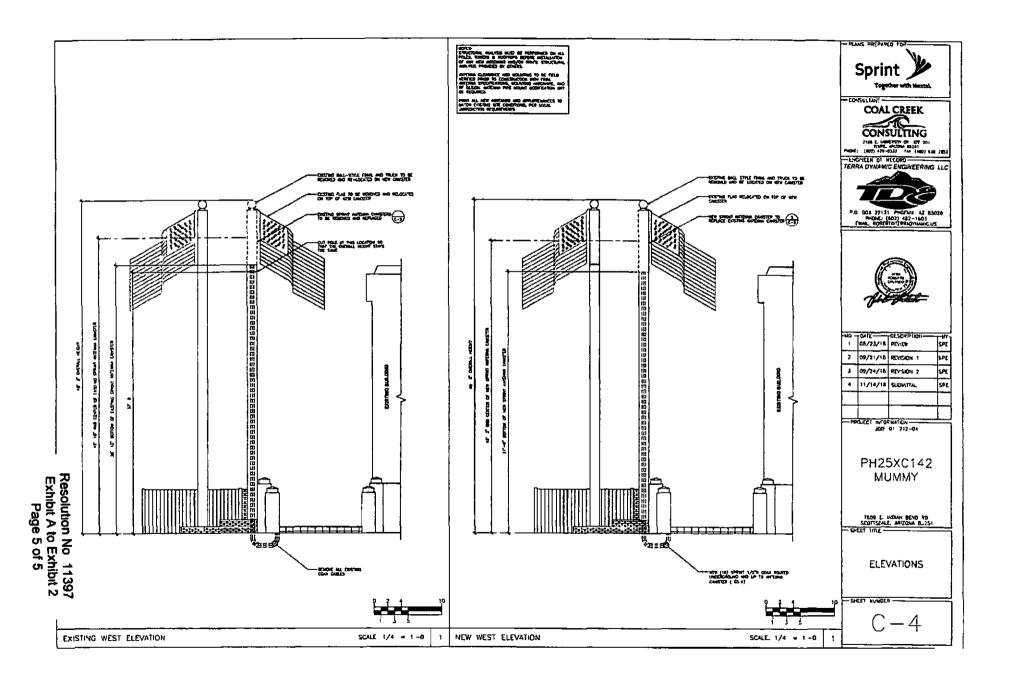
-SHEET NUMBER

Resolution No. 11397 Exhibit A to Exhibit 2 Page1 of 5









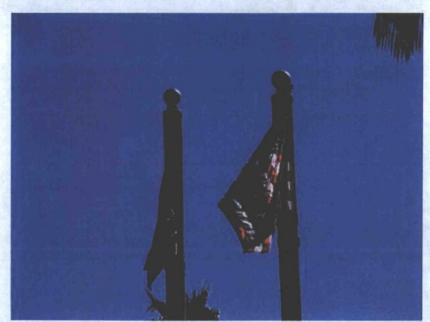
#### Scottsdale Revised Code Section 1 403

- L Wireless communications facility (WCF) type 4
  - All use permits shall be granted for a maximum of five (5) years from the date of City Council approval. The applicant shall be responsible for initiating a review of the approved wireless facility and shall demonstrate that changes in technology, that are economically feasible, have not eliminated the need for the use permit. If a new use permit is not granted, the applicant shall be responsible for the removal of the facility. When a use permit is granted for a co-location on a facility with an existing use permit, the action of granting the new use permit shall extend the existing use permit so that they will expire simultaneously
  - 2 To the degree a proposed WCF meets height requirements set forth in this ordinance, no use permit shall be granted when heights are found to be intrusive, obtrusive or out of character with the surrounding area
  - 3 Antennas and pole diameters shall be harmonious with the existing context and not be intrusive or obtrusive on the landscape or views
  - 4 The shape of the WCF shall blend with other similar vertical objects and not be intrusive in its setting or obtrusive to views
  - 5 The WCF shall blend into its setting and, to the extent that it is visible, not be intrusive on the landscape or obtrusive on views



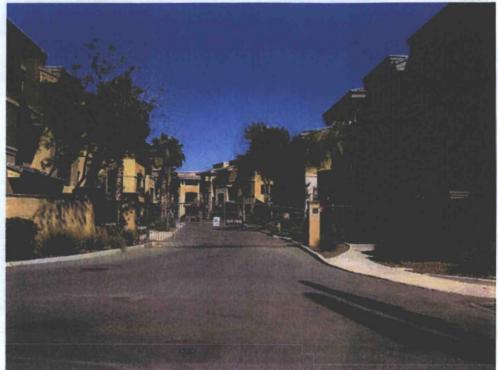


**Existing Site** 

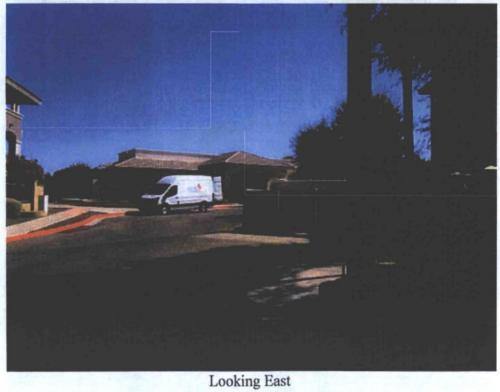


Existing antenna array





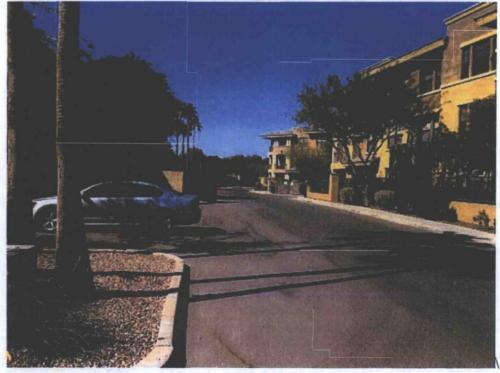
Looking North







**Looking South** 



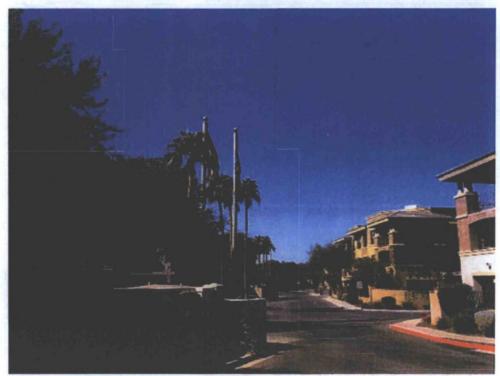
Looking West







North Elevation

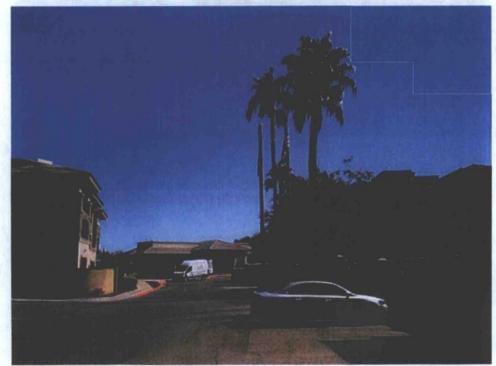


East Elevation





South Elevation



West Elevation



# **Project Narrative**

For PH25XC142 7609 E Indian Bend Rd Scottsdale, AZ 85251

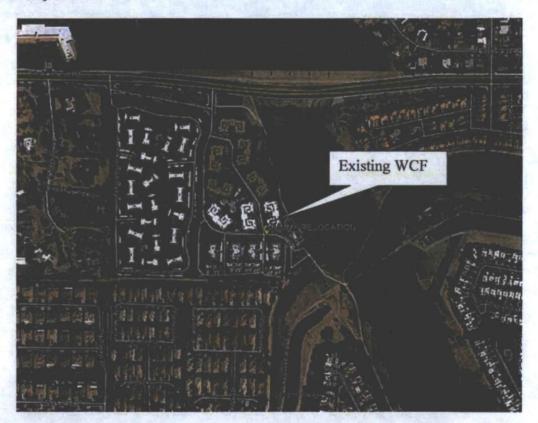


Submitted by:
Steve Ciolek
Coal Creek Consulting
2166 E University Dr. #201
Tempe, AZ 85281
(480) 246-4131
sciolek@coal-creek.com

**Existing Conditions** 

Sprint PCS, desires to renew its Use Permit for the Wireless Communication Facility (WCF) located at 7609 E Indian Bend Rd. Currently, there are two (2) flagpoles with canister antenna located at the entrance of the Paradise View Villas Condominiums. Flagpole were chosen to mitigate the visual impact of the WCF which allows the facility to blend with the surrounding environment. The existing ground equipment will remain screened by a CMU wall that mirrors the trash enclosure.

Not renewing the Use Permit would result in the decommission of the facility, creating a significant GAP in Coverage. E-911 and other emergency services locate a callers position would be impacted if not renewed.



# **Nature of Request**

Sprint is requesting approval for the Use Permit Renewal regarding the Stealth Wireless Communication Facility. The flagpoles were originally approved by the council on 2/17/04 and last renewed on 2/26/14 for five additional years. The facility will remain unchanged and the overall height will remain the same. Sprint will continue to operate under their existing license provided by the FCC which set very conservative, science-based RF emission guidelines that ensure citizen health is protected.

# Conclusion

It is the goal to service the area with more reliable cellular service. By renewing the Use Permit at this location, Sprint will be able to continue providing the best service to its customers.



Sprint PH25XC142

32-UP-2003#3



December 12, 2018

Dear neighbor:

The purpose of this letter is to inform you that Coal Creek Consulting, representing Sprint Spectrum PCS, plans to apply (Case Number **966-PA-2018**) to the City of Scottsdale to renew the Conditional Use Permit for the existing Wireless Communication Facility (WCF) Flagpole, located at 7609 E Indian Bend. The renewal will extend the Use Permit for an additional 5 years.

This letter is being sent to you as part of the required notification process for the City of Scottsdale. Feel free to distribute this notice to all respective tenants, students, parents of students, and all other interested parties. If you have any questions or wish to discuss this application, please contact me either by phone or e-mail using the contact information below. You may also contact the site's planner, Keith Niederer, at his office (480) 312-2953 or by email (KNiederer@scottsdaleaz.gov) with any questions, comments, or concerns.

Sincerely,

Steve Ciolek

Coal Creek Consulting 2166 E University Dr #201

Tempe, AZ 85281

(480) 246-4131

sciolek@coal-creek.com

# City Notifications – Mailing List Selection Map



Postcards: 695

32-UP-2003#3

City Website-Projects in the hearing process



# SCOTTSDALE PLANNING COMMISSION KIVA-CITY HALL 3939 DRINKWATER BOULEVARD SCOTTSDALE, ARIZONA

**WEDNESDAY, FEBRUARY 13, 2019** 

# \*DRAFT SUMMARIZED MEETING MINUTES \*

PRESENT:

Paul Alessio, Chair

Prescott Smith, Vice Chair Larry S. Kush, Commissioner Ali Fakih, Commissioner Kevin Bollinger, Commissioner

ABSENT:

Christian Serena, Commissioner

Kelsey Young, Commissioner

STAFF:

Tim Curtis
Randy Grant
Joe Padilla
Chris Zimmer
Lorraine Castro
Melissa Berry
Jesus Murillo
Keith Niederer

# **CALL TO ORDER**

Chair Alessio called the regular session of the Scottsdale Planning Commission to order at 5:00 p.m.

# **ROLL CALL**

A formal roll call was conducted confirming members present as stated above.

<sup>\*</sup> Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning Commission"

Planning Commission February 13, 2019 Page 2 of 3

# **MINUTES REVIEW AND APPROVAL**

Approval of January 23, 2019 Regular Meeting Minutes including Study Session

Commissioner Kush moved to approve the January 23, 2019 Regular Meeting Minutes, Including Study Session, seconded by Vice Chair Smith.

The motion carried unanimously with a vote of five (5) to zero (0); by Chair Alessio, Vice Chair Smith, Commissioner Kush, Commissioner Fakih, and Commissioner Bollinger.

# NON-ACTION

\*2 16-ZN-2018 (Joy Ranch & Tonto National Forest)

This case has been rescheduled to the February 27th, 2019 meeting

Request by owner for a Zoning District Map amendment from Single-family Residential Environmentally Sensitive Lands (R1-190 ESL) to Single-family Residential Environmentally Sensitive Lands (R1-43 ESL) zoning on a 77 6-acre site, located East of the northeast corner of Joy Ranch Rd and Boulder View Dr Staff contact person is Doris McClay, 480-312-4214 Applicant contact person is John Berry, (480) 385-2753

# **EXPEDITED AGENDA**

3 <u>18-UP-2018 (Triple C Hangar)</u>

Request by owner for approval of a Conditional Use Permit for a heliport near the Scottsdale Airport on a 77-acre site, with Industrial Park (I-1) zoning, located at 14818 N 74th St Staff contact person is Bryan Cluff, 480-312-2258 Applicant contact person is Jim Larson/ LANCE MEINHOLD, 602-955-9929

4 32-UP-2003#3 (Sprint Mummy PH25XC142)

Request by owner to renew a Conditional Use Permit for an existing Type 4 Wireless Communication Facility co-located inside two flagpoles located at 7609 E. Indian Bend Road with Multiple-family residential (R-5) zoning. Staff contact person is Keith Niederer, 480-312-2953. Applicant contact person is Steve Ciolek, 480-246-4131. Written Comment Card for 32-UP-2003#3. Harry Maron.

Item No. 3 & 4; Recommended City Council approve case 18-UP-2018 and 32-UP-2003#3, by a vote of 5-0; Motion by Commissioner Kush, per the staff recommended conditions, based upon the finding that the Conditional Use Permit criteria have been met. 2<sup>nd</sup> by Commissioner Bollinger.

The motion carried unanimously with a vote of five (5) to zero (0); by Chair Alessio, Vice Chair Smith, Commissioner Kush, Commissioner Fakih, and Commissioner Bollinger.

<sup>\*</sup> Note These are summary action minutes only A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ gov, search "Planning Commission"

Planning Commission February 13, 2019 Page 3 of 3

# REGULAR AGENDA

5 10-UP-2018 (Phoenix Herpetological Society)

Request by owner for approval of a Conditional Use Permit for a Community Building and Recreational Facilities, not Publicly Owned, on a 2 1+/-acre site, with the Single-family Residential, Environmentally Sensitive Lands, Foothills Overlay (R1-70/ESL/FO) zoning designation, located at 28011 N 78th Street Staff contact person is Jesus Munilo, 480-312-7849 Applicant contact person is Kurt Jones, 602-452-2729

Request to speak cards Kate Bachus, Michelle Ruha, Brian Anthony, David Richert, Bertram Feingold, Jason Alexander, Carlos Nuto, Michael Samuels, Kathryn Lee, Felicia Teu, Nick Burge

Written Comment Cards Charles Necker, Constance E Haggard, Elleen McDougall, Mardell Dobbins, Maren Schleypen, Susan Fachs, Calvin Mills, Alyssa Mills, Tennysan Jones, Trent Adamson, Brittany Sherback, Brian Mcdormott, Patricia Carroll, Andrea Breneman Brawrer, Ryan Souter, Patrick J Çassup, Ashley Jessup, Sadie Lewis, Olivia Bogues, Katelyn Garcia, Jessica Tucker, Kelsey Sedgwick, Roger Jensen, Catherine Turchan, Charlotte Sample, Chelsea Tulenko, John Brawner, Rosemary Johnson, Ross Johnson, Andrew Moss

Item No. 5; Recommended City Council approve case 10-UP-2018, by a vote of 5-0; Motion by Commissioner Kush, per the staff recommended conditions, based upon the finding that the Conditional Use Permit criteria have been met. 2<sup>nd</sup> by Vice Chair Smith.

The motion carried unanimously with a vote of five (5) to zero (0); by Chair Alessio, Vice Chair Smith, Commissioner Kush, Commissioner Fakih, and Commissioner Bollinger.

Adjournment - Motion to adjourn at 6:09 p.m.

<sup>\*</sup> Note These are summary action minutes only A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ gov, search "Planning Commission"

# WR T EN COMMEN'S

This card is used to submit written comments to the Board or Commission.

Written comment cards may be submitted to the Staff at any time. Cards submitted after public testimony has begun will be provided to the Board or Commission at the conclusion of the testimony for that item.

NAME (print) HARRY MARON	_ MEETING DATE	2/13/2019
NAME OF GROUP/ORGANIZATION (if applicable)		
ADDRESS 7601 F. INDIAN BENOND	STRUCTURE DE	ZIP 85250
HOME PHONE WORK F	PHONE	Control of the Contro
E-MAIL ADDRESS(optional)	270013	
AGENDA ITEM# 32-UP-2003#3 SUPPORT	Q-oppose	
COMMENTS (additional space is provided on the back)	- 4 - 44 - 11	
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The Austernas		
This card constitutes a public reco	rd under Arizona law.	

# PLANNING COMMISSION REPORT



Meeting Date

February 13, 2019

General Plan Element

Public Services and Facilities

General Plan Goal Encourage provision of power and communication systems that match the character of Scottsdale and provide reliable, efficient service for Scottsdale citizens,

visitors and businesses

# **ACTION**

**Sprint Mummy PH25XC142 32-UP-2003#3** 

# - Request to consider the following:

 A recommendation to City Council regarding a request by owner to renew a Conditional Use Permit for an existing Type 4 Wireless Communication Facility co-located inside two flagpoles located at 7609 E. Indian Bend Road with Multiple-family residential (R-5) zoning

# **Goal/Purpose of Request**

The applicant's request is to renew the Conditional Use Permit for an existing Type 4 wireless communication facility, which is concealed within two flagpoles on the northern portion of the Paradise View Villas condominium property

# **Key Items for Consideration**

- No expansion of enlargement to the existing wireless communication facility is being proposed
- The Paradise View Villas Association has a lease with Sprint and has authorized this application for Conditional Use Permit renewal
- Complies with the Conditional Use Permit criteria
- Staff has received two call from residents confirming that this request is not a new WCF

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Paradise View Villas Condo Owners Association 480-345-0046

# APPLICANT CONTACT

Steve Ciolek Coal Creek Consulting, LLC 480-246-4131

# LOCATION

7609 E Indian Bend Rd

# **BACKGROUND**

# **Zoning**

The site is zoned Multiple-family Residential district, R-5, which allows for multiple family dwelling units, municipal uses, places of worship, hotels and wireless communication facilities. Wireless communication facilities concealed within flagpoles require a Conditional Use Permit

#### Context

The subject property/WCF is concealed within two existing flagpoles located approximately 910-feet south of Indian Bend Road, off a private street at the entrance to the Paradise View Villas condominiums

# **Adjacent Uses and Zoning**

North Corriente Condominiums zoned R-5

South Paradise View Villas Condominiums zoned R-5

• East Silverado Golf Course zoned O-S

West Sienna Condominiums zoned R-5

# Other Related Policies, References:

**Zoning Ordinance** 

12-ZN-1986#2 On November 16, 1999, the city council approved the rezoning of the subject property from R-4R to R-5 and amended the site plan from case 12-ZN-1986

24-DR-2000 On March 23, 2000, the Development Review Board approved the 64-unit Paradise View Villas Condominium development

32-UP-2003 On February 17, 2004, the City Council unanimously approved a Conditional Use Permit for the subject Sprint wireless communication facility (WCF) In November of 2004, permits were issued to construct the WCF

32-UP-2003#2 On April 8, 2014, the City Council unanimously approved another Conditional Use Permit for the Spring flagpole WCF's (original Conditional Use Permit expired in 2009, but Sprint failed to renew it)

# APPLICANTS PROPOSAL

# **Development Information**

The applicant's request is to renew the Conditional Use Permit for an existing Type 4 wireless communication facility, which is concealed within two flagpoles on the northern portion of the Paradise View Villas condominium property. The Conditional Use Permit was initially approved by the City Council on February 17, 2004 with case 32-UP-2003 and re-approved on April 8, 2014 Conditional Use Permits for WCF's (Type 4 WCF's) are valid for a period of five (5) years from the date of City Council approval and set to expire on April 8, 2019 if Conditional Use Permit is not approved

Existing Use
 Residential condominium development with 2 flagpole WCF's

Proposed Use
 No change

Lease Area 336 s f

WCF Height 45-feet and 47-feet

# **IMPACT ANALYSIS**

#### **Conditional Use Permit**

Conditional Use Permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and City Council has found as follows

- A That the granting of such Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors.
  - 1 Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination
    - Besides some minor noise from the air conditioning that cools the radio equipment cabinets, and lighting to illuminate the flags, this WCF does not create damage or nuisance from noise, smoke, odor, dust or vibration or illumination
  - 2 Impact on surrounding areas resulting from an unusual volume or character of traffic
    - Other than the occasional visit from maintenance technicians, the WCF does not create an unusual volume of traffic.
- B The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas
  - The characteristics and design of the proposed use are reasonably compatible with the area Flagpoles exist near the entrance to the Sienna Condominiums to the west and at the Silverado Golf course to the east

- C The additional conditions specified in Section 1 403, as applicable, have been satisfied The proposal meets the provisions for Wireless Communication Facility (WCF) Type 4 as identified in Zoning Ordinance Section 1 403 V, including
  - All use permits shall be granted for a maximum of five (5) years from the date of City Council approval. The applicant shall be responsible for initiating a review of the approved wireless communication facility and shall demonstrate that changes in technology, that are economically feasible, have not eliminated the need for the Conditional Use Permit.
    - There have been no changes in technology that would eliminate the need for this Conditional Use Permit In fact, within the past several years there has been an increase in the amount of wireless communication facilities to handle the coverage, capacity and bandwidth needs of the wireless carriers and customers. The nearest existing Sprint wireless communication facilities is on the former Borgata property (west side of Scottsdale Road, north of McDonald Drive) and at the Days Inn hotel at 7330 N Pima Road. Elimination of this WCF would create a significant coverage gap for Sprint along the Indian Bend and Hayden Road corridors, as well as for the southern portion of McCormick Ranch
  - 2 To the degree a proposed WCF meets height requirements set forth in this Ordinance, no Conditional Use Permits shall be granted when the heights are found to be intrusive, obtrusive or out of character with the surrounding area
    - The heights of the existing WCF flagpoles are 45 feet and 47 feet. The height of the
      adjacent condominium buildings is 36 feet (with higher rooftop mechanical
      screening), so the flagpoles are not substantially taller than building in the
      surrounding area, but tall enough where the wireless signal is not blocked. The
      Zoning Ordinance does not have any specific maximum height requirements for
      flagpoles, or WCF flagpoles.
  - 3 Antennas and pole diameters shall be harmonious with the existing context and not be intrusive or obtrusive on the landscape and view
    - Antennas and associated cables are completely concealed from view within the flagpole, and the flagpole is painted to match the adjacent gate color. The pole diameters of 14 inches and 12 inches are consistent with other flagpole WCF's in Scottsdale (Days Inn hotel -7330 N Pima Road & the southeast corner of Shea Boulevard and 100<sup>th</sup> Street). The flagpole WCF diameters tend to be narrower than the monopole WCFs and artificial palm tree WCFs.
  - 4 The shape of the WCF shall blend with other similar objects and not be intrusive in its setting or obtrusive to views

- There are other existing flagpoles in the vicinity, as well as palm trees which are taller than the flagpoles. The flagpoles are narrow enough in diameter that they are not considered obtrusive to views
- 5 The WCF shall blend into its setting and, to the extent that it is visible, not be intrusive on the landscape and or obtrusive on views
  - As previously mentioned, all antennas and associated cables are completely
    concealed from view within the flagpole. The flagpoles are painted to match the
    adjacent gate color, and are placed within a landscaped setting, which helps them
    blend into the surrounding environment, and are not excessively tall.

### **Transportation**

Besides periodic maintenance, the WCF will have no impact on traffic

### Water/Sewer

The WCF will have no impact on water or sewer service

### **Public Safety**

With many households removing their land line telephone, the WCF will help continue to provide cellular coverage to the public for personal use as well as in need of emergency

### **Community Involvement**

The applicant mailed out notifications regarding the Conditional Use Permit renewal to property owners within 750 feet of the WCF on December 12, 2018

City staff mailed out postcards to property owners within 750 feet of the WCF (over 500 property owners) on December 27, 2018

As of the drafting of this report, staff received two calls requesting general information about the purpose of the request

### STAFF RECOMMENDATION

### **Recommended Approach**

Staff recommends that the Planning Commission find that the Conditional Use Permit criteria have been met and make a recommendation to City Council for approval per the attached stipulations

### RESPONSIBLE DEPARTMENT

### **Planning and Development Services**

**Current Planning Services** 

### STAFF CONTACT

Keith Niederer

Senior Planner 480-312-2953

E-mail: kniederer@ScottsdaleAZ.gov

### APPROVED BY

Keith Niederer, Report Author

Tim Curtis, AICP, Current Planning Director

480-312-4210 tcurtis@scottsdaleaz.gov

Randy Grant, Director

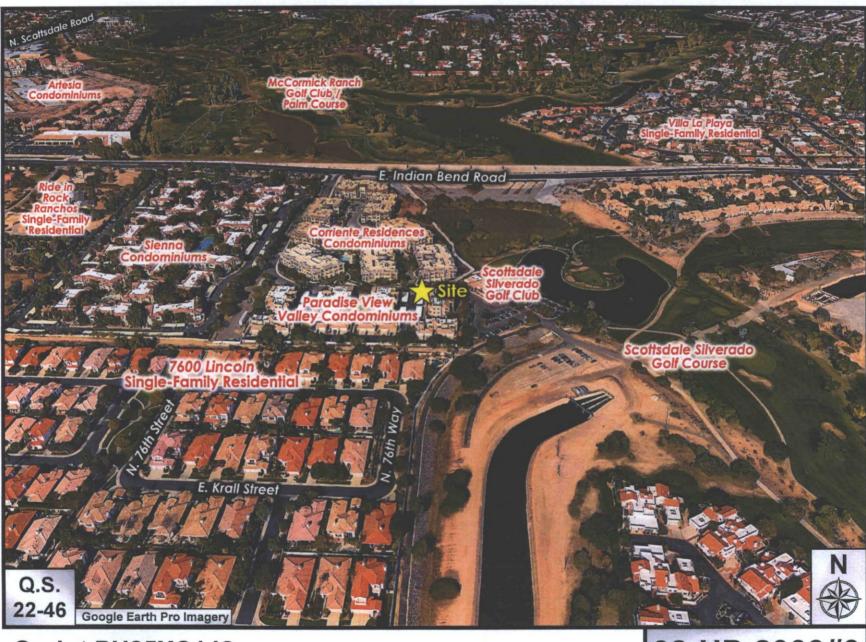
Planning and Development Services 480-312-2664, rgrant@scottsdaleaz.gov 2/5/2019 Date

### **ATTACHMENTS**

- Context Aerial
- 1A. Aerial Close-Up
- 2. Stipulations

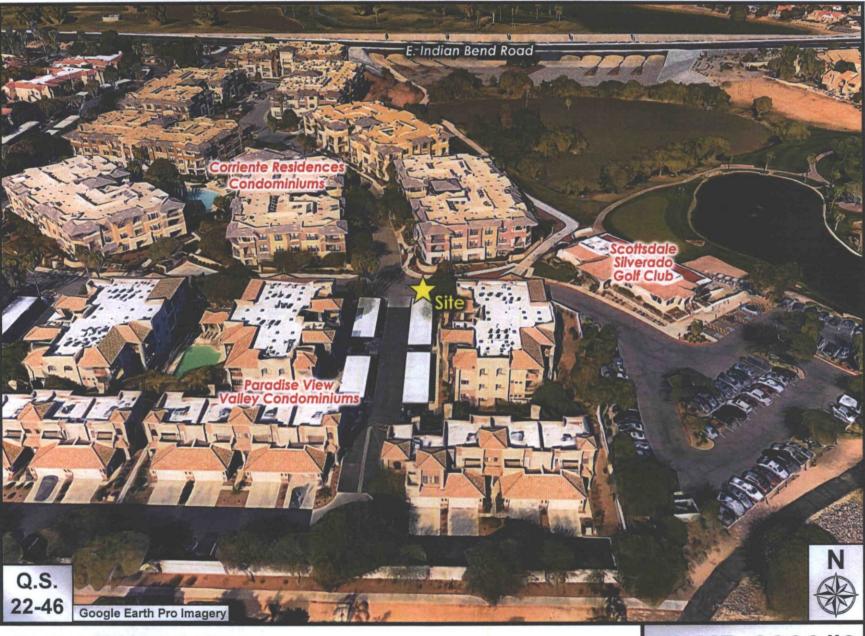
Exhibit A to Attachment 2: Plans

- 3. Existing Photographs
- 4. Applicant's Narrative
- 5. Zoning Map
- 6. Citizen Involvement
- 7. City Notification Map



Sprint PH25XC142

32-UP-2003#3



Sprint PH25XC142

## Stipulations for the Conditional Use Permit For a Type 4 Wireless Communication Facility Sprint Mummy PH25XC142

Case Number: 32-UP-2003#3

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale.

### **GOVERNANCE**

1. APPLICABILITY. All stipulations of this case, 32-UP-2003 continue to apply.

### SITE DESIGN

- 2. Flags shall be lit at night and be kept in good condition. If the flags become tattered or faded, they shall be replaced as soon as possible.
- 3. EXPIRATION OF USE PERMIT AFTER FIVE (5) YEARS. If the applicant wishes to continue this use, within one hundred twenty (120) days before the expiration of this Conditional Use Permit renewal, the applicant shall file an application to review and extend this Conditional Use Permit. This review shall demonstrate that changes in technology, that are economically feasible, have not eliminated the need for this Conditional Use Permit. If a new Conditional Use Permit is not granted, the applicant shall be responsible for the removal of the wireless communication facility.

# Sprint

### B2 PH25XC142 MUMMY

7609 E. INDIAN BEND RD. SCOTTSDALE, ARIZONA 85251 LATITUDE: 33.535688 LONGITUDE: -111.915881 PHOENIX MARKET

PRIOR TO ANY CONSTRUCTION, SCHEDULE A PRE-CONSTRUCTION MEETING WITH INSPECTION SERVICES BY CALLING (480) 312-5750

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING COORS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUCTED TO PERMIT WORK NOT CONFORMING TO THESE COORS.

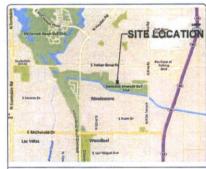
2015 INTERNATIONAL BUILDING CODE 2015 INTERNATIONAL MECHANICAL CODE 2014 NATIONAL ELECTRICAL CODE

ACCESSIBILITY REQUIREMENTS:

THIS FACILITY IS UNIANNED AND NOT FOR HUMAN HABITATION, HANDICAPPED ACCESS REQUIREMENTS ARE NOT REQUIRED IN ACCORDANCE WITH THE CURRENT INTERNATIONAL BUILDING CODE.

### CODE BLOCK

APPROVAL	SIGNATURE	DATE
SITE ACQUISITION & ZONING		
CONSTRUCTION MANAGER		
A&E WANAGER		
PLANNING CONSULTANT		
RF MANAGER		
PROPERTY OWNER		
SPRINT REPRESENTATIVE		



### VICINITY MAP

TAKE TATUM BLVD. S. TO SHEA BLVD. AND TAKE A LEFT TO SCOTTSDALE RD. AND TAKE A RIGHT TO HOUMH BEND RD. AND TAKE A LEFT TO THE STREET RIGHT BEFORE THE GREEN BELT AND TAKE A RIGHT AND FOLLOW ROAD AS IT CURVES AND THE SITE WILL BE ON THE RIGHT SIDE OF THE RIGHT.

**DRIVING DIRECTIONS** 

SPRINT PROPOSES TO:
REMOVE (A) DESTING TIMA'S
REMOVE (AL DESTING TOOK)
REMOVE (1) EUSTING COXX
REMOVE (1) EUSTING ANTENIA CANISTER
ADD (2) \*\*METAL CONDUIT FROM 922\* CABINET TO DISTRIBUTION BOX
ADD (3) RINA'S TO EUSTINO BLOCK WALL
ADD (3) DIRJUEDERS BELOW RENA'S

ADD (3) DIRJUEDERS BELOW RENA'S

\*\*METAL CONDUITED

\*\* ADD (18) LINES OF 1/2\*# COAX CABLES UP TO ANTENNA CANISTER ADD (1) ANTENNA CANISTER PAINT ALL NEW TOWER MOUNTED EQUIPMENT TO MATCH EXISTING

### PROJECT DESCRIPTION

APPLICANT: COAL CREEK CONSULTING 2188 E. UNIVERSITY DR., STE 201 TEMPE, ARIZONA 85281 CONTACT: STEVE CIOLEX PHONE: (480) 246—4131

PROPERTY OWNER INFORMATION: PMG SERVICES CONTACT: SARAH DOUGLAS PHONE: (480) 829-7400

APN: 174-20-077
ZONING CLASSIFICATION: R-5
JURISDICTION: CITY OF SCOTTSDALE EXISTING/NEW USE: UNMANNED WIRELESS TELECOMMUNICATIONS FACILITY

PROJECT SUMMARY

SHEET DESCRIPTION T-1 TITLE SHEET, VICINITY MAP AND GENERAL INFORMATION SP-1 SPRINT SPECIFICATIONS
SP-2 SPRINT SPECIFICATIONS, ENGINEERS AND UTILITY NOTES CIVIL PLANS C-1 SITE PLAN C-2 EXISTING ENLARGED SITE PLAN
C-3 NEW ENLARGED SITE PLAN C-4 ELEVATIONS C-5 DETAILS
C-6 DETAILS

### SHEET INDEX

SPRINT 11811 N. TATUM BLVD., STE P155 PHOENIX, ARIZONA 85028 CONTACT: BILL KONING PHONE: (480) 209-0945

SITE ACQ, CONSULTANT:

COAL CREEK CONSULTING 2166 E. UNIVERSITY DR., STE 201 TEMPE, ARIZONA 65281 CONTACT: CAMERON LEHMAN PHONE: (714) 943-6261 DESIGN FIRM:

COAL CREEK CONSULTING 2166 E. UNIVERSITY DR., STE 201 TEMPE, ARIZONA 85281 CONTACT: SHAWN EVANS PHONE: (602) 758-5829

CIVIL ENGINEER: TERRA DYNAMIC ENGINEERING, LLC P.O. BOX 22131 PHOENIX, ANIZONA 85028 CONTACT: ROBERT ORLANDO



PROJECT TEAM



TIANT ILIZIANO

COAL CREEK 500 CONSULTING

2166 E. UNIVERSITY DR., STE 201 TEMPE, ARIZONA 85281 PHONE: (802) 429-0533 FAX: (480) 638-2852 -ENGINEER OF RECORD-



P.O. BOX 22131, PHOENIX, AZ 85028 PHONE: (602) 482-1603 EMAIL: ROBERT@TERRADYNAMIC.US



1	08/23/18	DESCRIPTION— REVIEW	SPE
2	09/21/18	REVISION 1	SPE
3	09/24/18	REVISION 2	SPE
4	11/14/18	SUBMITTAL	SPE

- PROJECT INFORMATION -

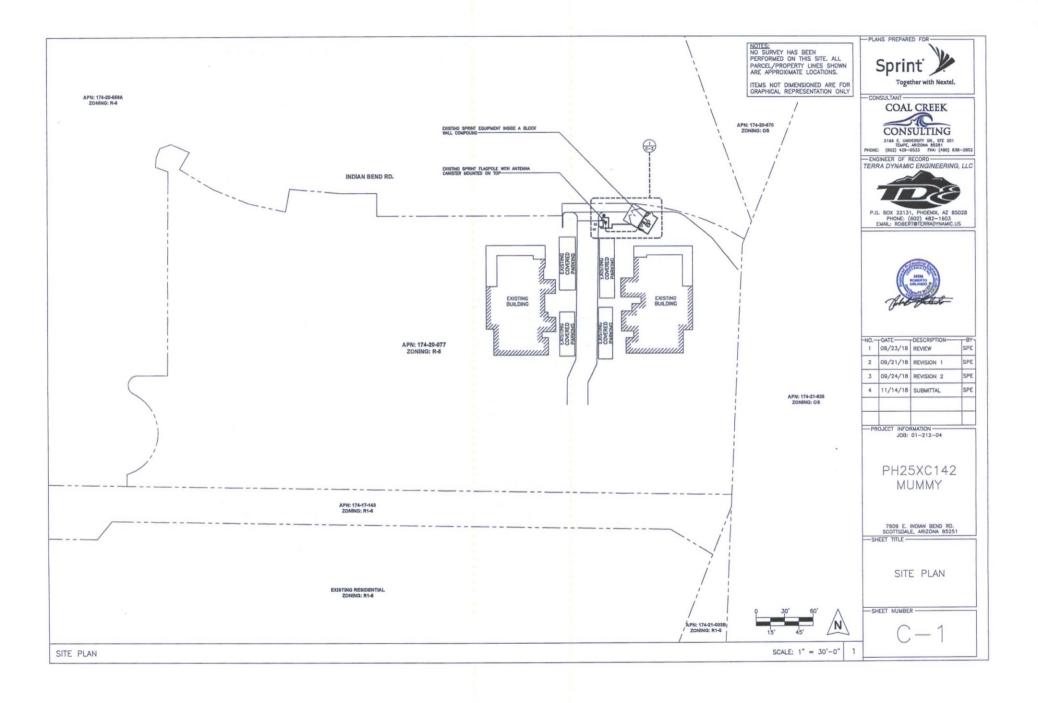
PH25XC142 MUMMY

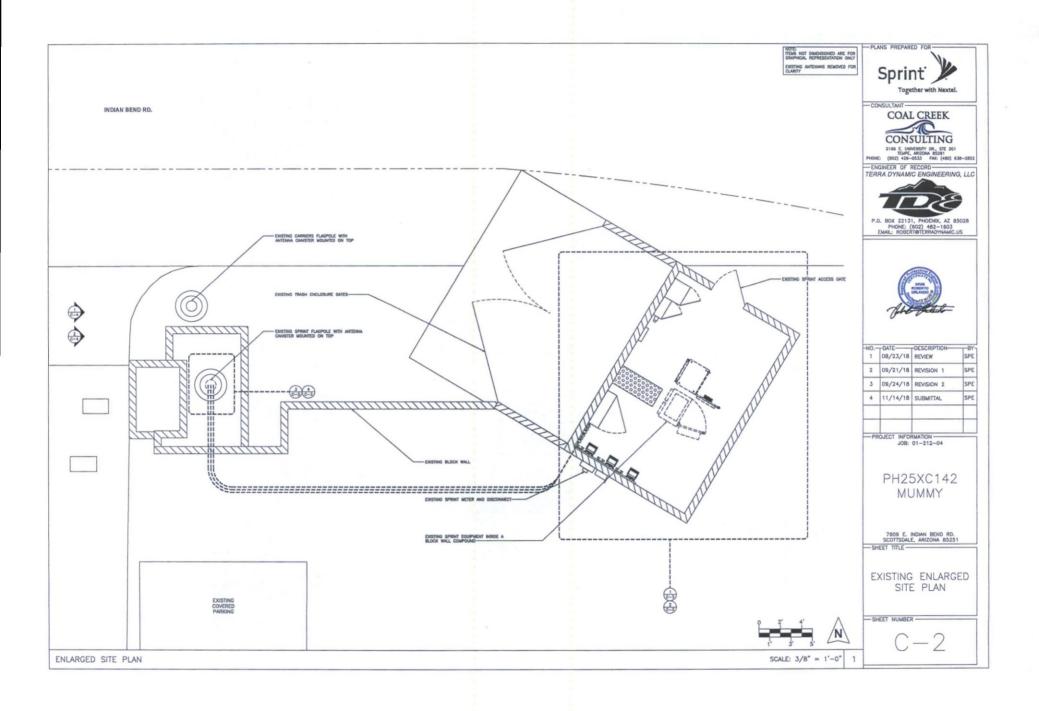
7609 E. INDIAN BEND RD. SCOTTSDALE, ARIZONA 85251 -SHEET TITLE -

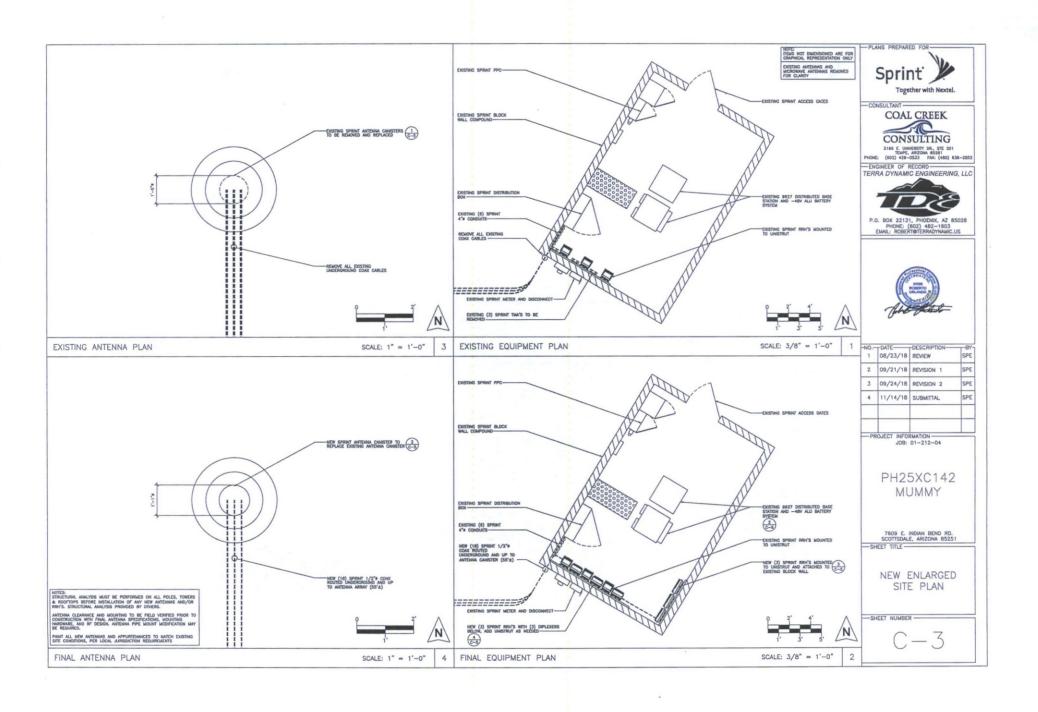
> TITLE SHEET. VICINITY MAP & GENERAL INFO.

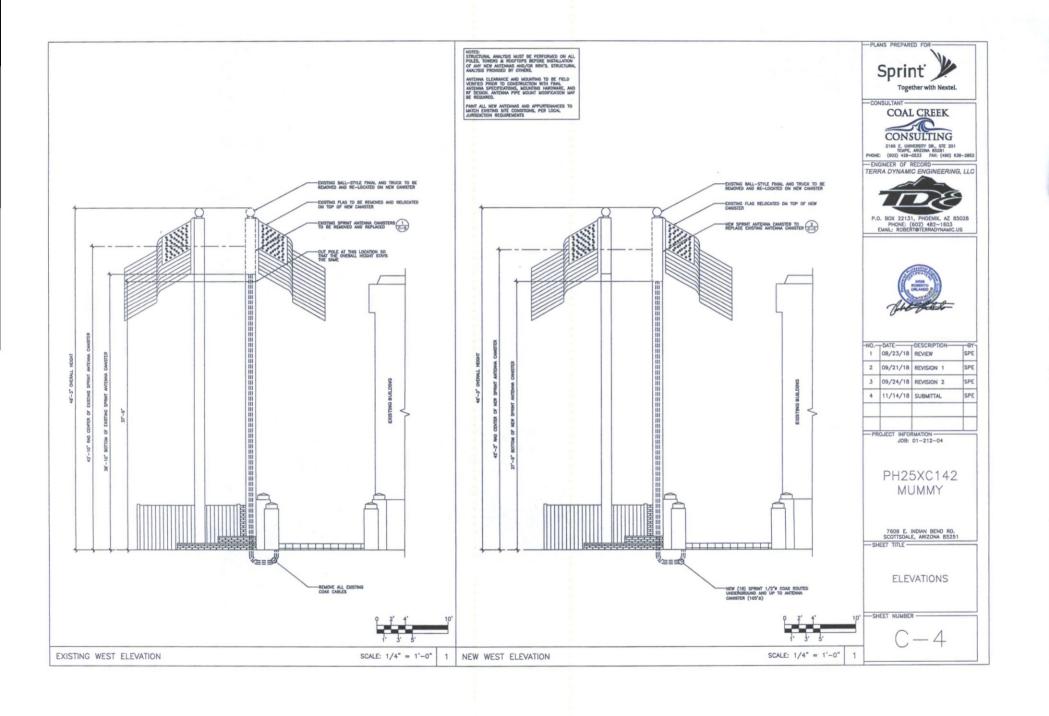
-SHEET NUMBER -

| -















**Existing Site** 



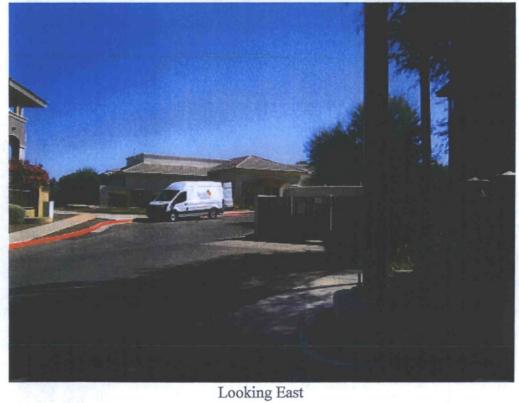
Existing antenna array



PH25XC142



Looking North





PH25XC142



Looking South



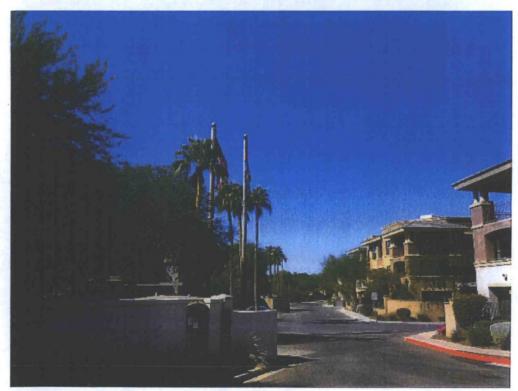
Looking West







North Elevation



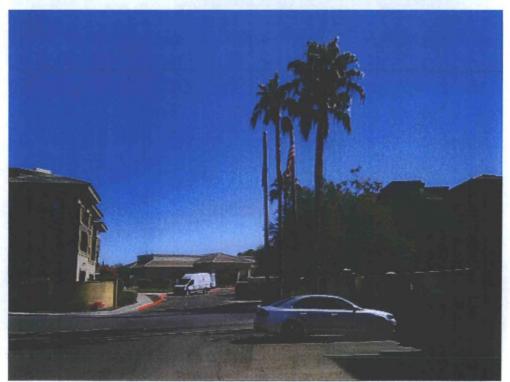
East Elevation







South Elevation

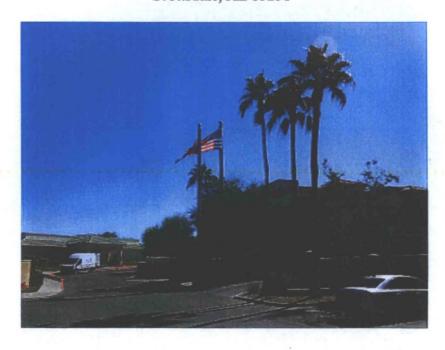


West Elevation



## **Project Narrative**

For PH25XC142 7609 E Indian Bend Rd Scottsdale, AZ 85251

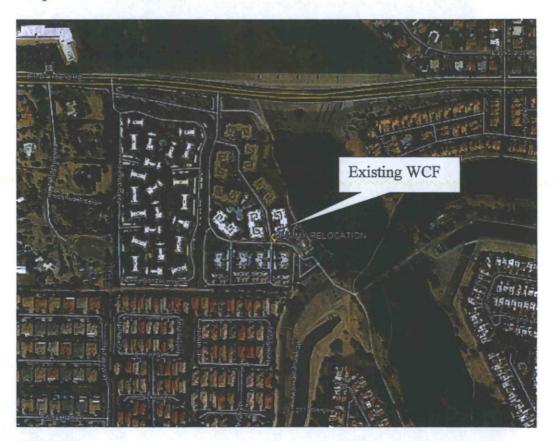


Submitted by:
Steve Ciolek
Coal Creek Consulting
2166 E University Dr. #201
Tempe, AZ 85281
(480) 246-4131
sciolek@coal-creek.com

### **Existing Conditions**

Sprint PCS, desires to renew its Use Permit for the Wireless Communication Facility (WCF) located at 7609 E Indian Bend Rd. Currently, there are two (2) flagpoles with canister antenna located at the entrance of the Paradise View Villas Condominiums. Flagpole were chosen to mitigate the visual impact of the WCF which allows the facility to blend with the surrounding environment. The existing ground equipment will remain screened by a CMU wall that mirrors the trash enclosure.

Not renewing the Use Permit would result in the decommission of the facility, creating a significant GAP in Coverage. E-911 and other emergency services locate a callers position would be impacted if not renewed.

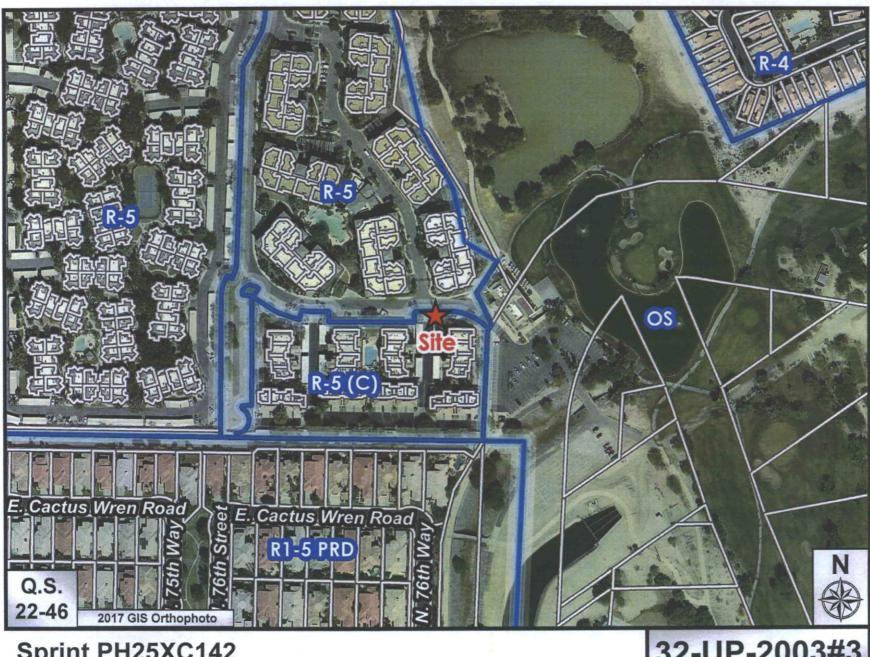


### **Nature of Request**

Sprint is requesting approval for the Use Permit Renewal regarding the Stealth Wireless Communication Facility. The flagpoles were originally approved by the council on 2/17/04 and last renewed on 2/26/14 for five additional years. The facility will remain unchanged and the overall height will remain the same. Sprint will continue to operate under their existing license provided by the FCC which set very conservative, science-based RF emission guidelines that ensure citizen health is protected.

### Conclusion

It is the goal to service the area with more reliable cellular service. By renewing the Use Permit at this location, Sprint will be able to continue providing the best service to its customers.



Sprint PH25XC142

32-UP-2003#3



December 12, 2018

Dear neighbor

The purpose of this letter is to inform you that Coal Creek Consulting, representing Sprint Spectrum PCS, plans to apply (Case Number **966-PA-2018**) to the City of Scottsdale to renew the Conditional Use Permit for the existing Wireless Communication Facility (WCF) Flagpole, located at 7609 E Indian Bend The renewal will extend the Use Permit for an additional 5 years

This letter is being sent to you as part of the required notification process for the City of Scottsdale. Feel free to distribute this notice to all respective tenants, students, parents of students, and all other interested parties. If you have any questions or wish to discuss this application, please contact me either by phone or e-mail using the contact information below. You may also contact the site's planner, Keith Niederer, at his office (480) 312-2953 or by email (KNiederer@scottsdaleaz.gov) with any questions, comments, or concerns

Sincerely,

Steve Colek

Coal Creek Consulting 2166 E University Dr #201

Tempe, AZ 85281 (480) 246-4131

sciolek@coal-creek com

## City Notifications – Mailing List Selection Map

